

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46856 of 2022

Arising Out of PS. Case No.-339 Year-2022 Thana- BODHGAYA District- Gaya

Neeraj Kumar Son of Vijay Prasad @ Vijay Prasad Raut R/O Mohalla- Tilha
Dharamshala, Bahuar Chaura, P.S.- Vishnupad, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha, Advocate.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sanjay Kumar Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bodh Gaya P.S. Case No. 339 of 2022 registered for the offences punishable under Sections 467, 468, 470 and 120B of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegation against the petitioner is to be engaged in manufacturing of illicit liquor, the police conducted raid and four persons, including the petitioner, were apprehended from the premise. It is further alleged that one Zylo vehicle was also



seized and on search total 360 litres of Indian made foreign liquor was recovered. It is further alleged that 1395 litres of Indian made foreign liquor was also recovered from the godown situated there. Further on search of small constructed room, total 1188 litres of English wine of Imperial Blue brand was recovered. It is further alleged that other vehicles and incriminating materials were also recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the premises, in question, nor with the vehicles, which were seized from the premises. However, only on account of past criminal antecedent and being present at the place of occurrence, the petitioner was apprehended on suspicion. He next submits that there is no compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He next submits that now the investigation of the crime is already complete and charge-sheet has been submitted, though the petitioner is in custody since 15.06.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that a huge quantity of illicit liquor and vehicles were recovered from the place of occurrence.



Having regard to the submissions made on behalf of the parties and considering the fact that investigation of the crime is already complete and charge-sheet has been submitted and there is no likelihood of conclusion of trial in near future and as such keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya, in connection with Bodh Gaya P.S. Case No. 339 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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